

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)	DATE: October 1, 2003
)	
Renee L. Bowser)	DOCKET NO.: 03F-112
Member (Former))	
DC Commission on Human Rights)	
5322 - 2 nd Street, NW)	
Washington, DC 20011)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to the D.C. Code §1-1106.02 (2001 Edition), Renee Bowser, Member, DC Commission on Human Rights, failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing deadline of June 19, 2003.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 8, 2003, OCF ordered Renee Bowser (hereinafter respondent), to appear at a scheduled hearing on August 20, 2003 and show cause why she should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

On September 8, 2003, OCF received an affidavit from respondent, via facsimile, stating she served as a Commissioner for the Commission on Human Rights from July 10, 1997 through December 31, 2002, and held over in that position until June 30, 2003. Respondent further stated her employment with the United Food and Commercial Workers International Union requires travel nationwide, and that she was on travel during the spring of 2003 and continuously from July 27 through August 22, 2003. Respondent

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acknowledges receipt of a letter from OCF in the spring of 2003, but did not open it. She later received a Notice of Hearing, Statement of Violations and Order of Appearance (Notice) ordering her appearance at a hearing on August 20, 2003. Respondent asserts she opened the Notice and earlier letter on September 1, 2003 while addressing accumulated mail, and contacted OCF the next business day. Respondent further asserts she was unaware of the original filing deadline because of her travel schedule. Respondent asserts she has not willfully refused to file an FDS, and has no financial interest in any business or organization doing business with the District of Columbia. Respondent filed a fully executed FDS with OCF on September 8, 2003.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2002, on or before June 19, 2003.
2. Respondent's service to the DC Commission on Human Rights terminated on June 30, 2003.
3. Respondent filed the required Financial Disclosure Statement on September 8, 2003.
4. Respondent asserts she was on travel continuously for her regular employment during the spring and summer of 2003.
5. Respondent asserts she did not open notices from OCF until September 1, 2003 due to her continuous travel schedule.
6. Respondent has no history of prior filing delinquencies.
7. Respondent provided a reasonable explanation for the filing delinquency in that she asserts she was involved in matters relative to her employment with the United Food and Commercial Workers International Union.
8. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3 DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3 DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file constitutes good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

Date

Jean Scott Diggs
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter be hereby suspended.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order.

Rose Rice
Legal Assistant

NOTICE

Pursuant to 3 DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.